UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: ARTHUR GLENN SYLVESTER

Debtor(s)

CHARLES J. DEHART, III CHAPTER 13

CHAPTER 13 TRUSTEE

Movant CASE NO: 5-17-04913-RNO

ARTHUR GLENN SYLVESTER Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE

AND NOW, on December 15, 2017, Charles DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case with Prejudice for the following reason(s):

- 1) A Petition under Chapter 13 was filed on November 29, 2017.
- 2) The Debtor(s) did not comply with the credit counseling requirements of 11 U.S.C. Sections 109(h) and 521(b) and therefore do not qualify as a debtor under Bankruptcy Code.
- 3) In addition to the petition filed in this case, debtor(s) filed petitions docketed to the following cases:

a. Case # 5-16-03119 Counsel: PRO SE

Filing Date: July 29, 2016 Date Dismissed: September 13, 2016

Total Payments: \$ 0 Chapter: 13

Result: Dismissed for failure to file information

b. Case # 5-16-02242 Counsel: PRO SE

Filing Date: May 25, 2016 Date Dismissed: June 20, 2016

Total Payments: \$ 0 Chapter: 13

Result: Dismissed for failure to file information

Movant believes and avers that, under the totality of the circumstances, debtor(s) demonstrated substantial abuse and a lack of good faith in the filing of two (2) prior Chapter 13 petitions within a two (2) year period that this Court dismissed prior to completion and filed the current petition thereafter.

WHEREFORE, Movant requests this Court to:

- 1. Enter an Order dismissing the above-captioned case and,
- 2. Dismiss this case with prejudice with regard to debtor(s) filing a subsequent petition under the Bankruptcy Code in this district without prior leave of this Court for a period of one (1) year from the entry of this dismissal.

Respectfully submitted, /s Charles J. Dehart, III Standing Chapter 13 Trustee 8125 Adams Drive, Suite A Hummelstown, PA 17036 Phone: (717) 566-06097

Email: dehartstaff@pamd13trustee.com

UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: ARTHUR GLENN SYLVESTER CHAPTER 13

CASE NO: 5-17-04913-RNO

MOTION TO DISMISS WITH

PREJUDICE

NOTICE

The debtor(s) filed a Chapter13 Bankruptcy Petition on November 29, 2017.

The Debtor(s) did not comply with the credit counseling requirements of 11 U.S.C. Sections 109(h) and 521(b) and therefore do not qualify as a debtor under Bankruptcy Code.

A hearing with the Court has been scheduled for:

Date: February 9, 2018

Time: 09:30 AM

Location: U.S. Bankruptcy Court

Max Rosenn U.S. Courthouse

Courtroom #2 197 S. Main Street Wilkes Barre, PA

Objections/responses are due on or before **December 29, 2017**. The hearing as scheduled will be held regardless of any objections or responses having been filed.

Respectfully submitted, /s <u>Charles J. DeHart, III</u> Standing Chapter 13 Trustee 8125 Adams Drive, Suite A Hummelstown, PA 17036

Phone: (717) 566-6097

Email: dehartstaff@pamd13trustee.com

Dated: December 15, 2017

UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: ARTHUR GLENN CHAPTER 13

SYLVESTER

Debtor(s)

CASE NO: 5-17-04913-RNO

MOTION TO DISMISS WITH PREJUDICE

CERTIFICATE OF SERVICE

I hereby certify that the Debtor and his/her counsel, have been served a copy of this Motion, Notice, and Proposed Order by First Class Mail, unless served electronically, at the below address on December 15, 2017.

PRO SE

ARTHUR GLENN SYLVESTER PO BOX 1234 BLAKESLEE, PA 18610 FIRST CLASS MAIL

UNITED STATES TRUSTEE 228 WALNUT STREET, SUITE 1190 HARRISBURG, PA 17101 **ELECTRONICALLY SERVED**

Respectfully submitted, s/ <u>Vickie Williams</u> for Charles J. DeHart, III, Trustee 8125 Adams Drive, Suite A Hummelstown, PA 17036

Phone: (717) 566-6097

Email: dehartstaff@pamd13trustee.com

Dated: December 15, 2017

UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: ARTHUR GLENN SYLVESTER CHAPTER 13

Debtor(s)

CHARLES J. DEHART, III CHAPTER 13 TRUSTEE

Movant CASE NO: 5-17-04913-RNO

VS.

ARTHUR GLENN SYLVESTER Respondent(s)

MOTION TO DISMISS WITH PREJUDICE

ORDER DISMISSING CASE WITH PREJUDICE

Upon consideration of the Trustee's Motion to Dismiss with Prejudice, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED WITH PREJUDICE. Debtor is hereby barred from filing in this district for a period of one (1) year from the date of this order without prior court order.